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UNITED STATE DEPARTMENT OF COMMERCE Patent and Trademark Office

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FIRST NAMED INVENTOR ATTORNEY DOCKET NO. APPLICATION NO. **FILING DATE** 09/443,542 11/19/99 RASTINEJAD PC10228A **EXAMINER** 023913 HM22/0322 RAYMOND.R PFIZER INC PAPER NUMBER **ART UNIT** 235 E 42ND STREET NEW YORK NY 10017 1624 **DATE MAILED:** 03/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



Application No. 09/443,542

Richard L. Raymond

Applicant(s)

Office Action Summary

Examiner

Group Art Unit

1624

Rastinejad et al.



Responsive to communication(s) filed on	
☐ This action is FINAL .	
☐ Since this application is in condition for allowance except for in accordance with the practice under <i>Ex parte Quayle</i> , 1939	
A shortened statutory period for response to this action is set to is longer, from the mailing date of this communication. Failure application to become abandoned. (35 U.S.C. § 133). Extension 37 CFR 1.136(a).	to respond within the period for response will cause the
Disposition of Claims	
	is/are pending in the application.
Of the above, claim(s)	is/are withdrawn from consideration.
☐ Claim(s)	is/are allowed.
Claim(s)	
Claim(s)	
Application Papers	
🛮 See the attached Notice of Draftsperson's Patent Drawing	g Review, PTO-948.
☐ The drawing(s) filed on is/are object	ted to by the Examiner.
☐ The proposed drawing correction, filed on	is approved disapproved.
$\hfill\Box$ The specification is objected to by the Examiner.	
$\hfill\Box$ The oath or declaration is objected to by the Examiner.	
Priority under 35 U.S.C. § 119	
$\hfill \square$ Acknowledgement is made of a claim for foreign priority	under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of	f the priority documents have been
received.	
received in Application No. (Series Code/Serial Nur	
received in this national stage application from the	International Bureau (PCT Rule 17.2(a)).
*Certified copies not received:	
Acknowledgement is made of a claim for domestic priorit	y under 35 U.S.C. § 119(e).
Attachment(s)	
□ Notice of References Cited, PTO-892	
☐ Information Disclosure Statement(s), PTO-1449, Paper No.	o(s)
☐ Interview Summary, PTO-413	0
Notice of Draftsperson's Patent Drawing Review, PTO-94 Notice of Informal Patent Application, PTO 152 Notice of Informal Patent Application, PTO 153 Notice of Informal Patent Application PTO 154 Notice of Informal Patent Application PTO 154 Notice of Informal Patent Application PTO 154 Notice of Informal PtO 154 Notice of Information PTO 154 Notice of In	. • • • • • • • • • • • • • • • • • • •
□ Notice of Informal Patent Application, PTO-152	
SEE OFFICE ACTION ON T	THE FOLLOWING PAGES

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DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Election/Restriction

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8 and 24, drawn to method of promoting activity in mutant form of p53, classified in class 435, subclass 7.1.
 - II. Claims 9-23, drawn to method of treating diseases, classified in class 514, subclass183.
- 3. The inventions are distinct, each from the other because of the following reasons: The methods of Groups I and II involve different steps and different outcomes. Note that the method of group II involves treatment of a patient having a disease state associated with possession of a mutant protein of the p53 family.
- 4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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5. Claims 1 and 9 are generic to a plurality of disclosed patentably distinct species comprising the use of the specific compounds of the working examples. Applicant is further required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

- 6. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.
- 7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Raymond whose telephone number is (703) 308-4523. The examiner can normally be reached on weekdays from 9:30 AM to 6:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

rr

March 20, 2001

Richard L. Raymon

Art Unit 1624